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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/047,894    03/25/98    CAPOWSKI

A    SIMB97-08

021005    LMC1/0927  
HAMILTON BROOK SMITH AND REYNOLDS, P.C.  
TWO MILITIA DR  
LEXINGTON MA 02421-4799

EXAMINER
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POPE, D

ART UNIT	PAPER NUMBER
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2736

DATE MAILED:

09/27/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/047,894

Applicant(s)  
CAPOWSKI ET AL

Examiner  
DARYL C. POPE

Group Art Unit  
2736



☒ Responsive to communication(s) filed on Jul 17, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-26 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-26 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2736

**DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**ART REJECTION:**

***Claim Rejections - 35 USC § 102***

2. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Fierro et al(5,705,979).

-- In considering claim 1-26, the claimed subject matter that is met by Fierro et al(Fierro) includes:

- 1) the claimed plural notification appliances are met by the smoke detectors(10);
- 2) the claimed test status indicator is met by the audible alarm(24) which issues two one second beeps(column 4, lines 6-19)
- 2) the claimed alarm indicator is met by the audible alarm(24) issuing a continuous alarm signal(column 4, lines 6-19);
- 3) the claimed system controller is met by the interface unit(30) which in a test mode causes the appliance to operate its test status indicator, without operating the alarm indicator(see: column(column 4, lines 6-19).

Art Unit: 2736

**REMARKS:**

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daryl C. Pope whose telephone number is (703) 305-3988. The examiner can normally be reached on M-Th from 8:30 to 6:00. The examiner can also be reached on alternate Friday from 8:30 to 5:00 since the examiner works on a flextime schedule in which every other Friday is the examiner's day off.

Art Unit: 2736

**All interviews requested, whether personal or telephonic, are to be scheduled for times during the examiner's work hours between Tuesdays-Thursdays during the week in which the examiner has that Friday off. All other time periods requested will only be scheduled on an emergency basis.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8576.

Daryl C. Pope

  
**DARYL POPE**  
**PRIMARY EXAMINER**

September 18, 2000